

UNITED STATES DISTRICT COURT/SOUTHERN DISTRICT OF NEW YORK Attorney NELSON M STERN, ESQ

TRINITY BUI

Plaintiff(s)

Index # 07 CIV 4529 (KRAM)

- against -

JOHN MAZZUTO, ETANO

Defendant(s)

Purchased May 25, 2007

AFFIDAVIT OF SERVICE

STATE OF NEW YORK COUNTY OF NEW YORK ss

BYRAN E MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK

That on May 31, 2007 at 08 00 PM at

420 EAST 61ST STREET
PENTHOUSE B
NEW YORK, NY 10021

deponent served the within SUMMONS AND COMPLAINT, FIRST AMENDED COMPLAINT on JOHN MAZZUTO therein named,

**SUITABLE
AGE**

by delivering thereat a true copy of each to MR PAULYUK a person of suitable age and discretion Said premises is Defendant's dwelling house within the state He identified himself as the DOORMAN of the Defendant

Deponent further states that he describes the person actually served as follows

Sex	Skin Color	Hair Color	Age (Approx)	Height (Approx)	Weight (Approx)
MALE	WHITE	BROWN	38	5'9	175

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's last known residence at

420 EAST 61ST STREET
PENTHOUSE B
NEW YORK, NY 10021

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on June 1, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served

PERSON REFUSED TO ALLOW YOUR DEPONENT ACCESS INTO SAID BUILDING

**MILITARY
SERVICE**

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action

Sworn to me on June 1, 2007

JOEL GRABER
Notary Public, State of New York
No 02GR4699723
Qualified in New York County
Comm Expires February 10, 2010MICHAEL SMITH
Notary Public, State of New York
No 01SM4997428
Qualified in New York County
Comm Expires June 8, 2010JONATHAN GRABER
Notary Public, State of New York
No 01GR6156780
Qualified in New York County
Comm Expires December 4, 2010**BYRAN E. MCELDERRY**

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Invoice # 441481

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